

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN C. BREITENBACH, JR., as Administrator
of the ESTATE OF DEBORAH J. BREITENBACH,

Plaintiff,

EXPERT WITNESS DISCLOSURES

-against-

1:16-CV-11
(GLS/CFH)

THE UNITED STATES OF AMERICA,
NANCY A. CAFFREY, R.P.A.-C, MOSES-LUDINGTON
HOSPITAL and INTER-LAKES HEALTH, INC.

Defendants

Defendants, NANCY CAFFREY, R.P.A.-C, MOSES-LUDINGTON HOSPITAL and INTER-LAKES HEALTH INC., (hereinafter "answering defendants") by and through their attorneys, NAPIERSKI, VANDENBURGH, NAPIERSKI & O'CONNOR, LLP, as and for expert witness disclosure pursuant to FRCP 26(2)(b) state as follows:

1. Defendants expect to call at the time of trial Alan C. Heffner, MD as an expert witness in the field of Emergency Medicine. Dr. Heffner will give expert opinion testimony that the care and treatment of the plaintiff, Deborah Breitenbach, by defendants when she presented to the emergency department at Moses-Ludington Hospital on April 21, 2014 met and/or exceeded the standard of care. Dr. Heffner will testify regarding the proper and appropriate standards of care and accepted medical practice which were in effect in the upstate New York area, State of New York and nationally for emergency medicine and the treatment of epiglottitis and airway issues in critical access hospitals at the time of the treatment of Deborah Breitenbach by the defendants. Dr. Heffner will testify regarding the interpretation and significance of

medical records, interpretation and significance of laboratory tests, imaging studies, and clinical examinations and procedures during all times at issue. Dr. Heffner is expected to comment on all of the medical records of the Deborah Breitenbach, as well as any exhibits marked in the deposition testimony, marked or introduced at trial and/or any demonstrative exhibits produced at trial. Dr. Heffner may comment on each of the depositions taken in this case as well as any trial testimony elicited by lay witnesses and/or experts. Dr. Heffner will provide opinions and comments with respect to the testimony of all expert witnesses and lay witnesses who are called upon to testify at the time of trial and will be prepared to refute the opinions which are offered by the Plaintiff's experts, either in Plaintiff's expert witness responses or in the trial testimony or affidavits. Dr. Heffner is will also testify regarding the issues of causation and damages. Dr. Heffner's expert witness report is attached hereto as Exhibit "A" and made a part hereof. All of Dr. Heffner's opinions are expected to be given to a reasonable degree of medical certainty. Dr. Heffner's CV and testimonial history is attached hereto as Exhibit "B" and made a part hereof.

2. Defendants expect to call Kevin R. Decker as an expert economist at the time of trial. Mr. Decker's expert witness report is attached hereto as Exhibit "C" and made a part hereof. Mr. Decker's CV and testimonial history is attached hereto as Exhibit "D" and made a part hereof.

SUPPLEMENTATION

Defendants reserve the right to supplement and/or amend these disclosures subject to the depositions of the parties and further disclosures by plaintiff and/or defendants. Defendant reserve the right to disclosure rebuttal experts in response to any

further disclosures by the parties.

Dated March 9, 2017

NAPIERSKI, VANDENBURGH &
O'CONNOR, LLP.

BY: 
SHAWN F. BROUSSEAU

Bar Roll No. 509138

Attorneys for Defendants

NANCY CAFFREY, R.P.A.-C, MOSES-
LUDINGTON HOSPITAL and INTER-LAKES
HEALTH INC.

296 Washington Avenue Ext.

STE 3

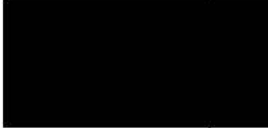
Albany, NY 12203

Phone: (518) 862-9292

Email: sfb@nvnolaw.com

EXHIBIT A

Alan C. Heffner, MD



5 March 2017

Shawn F. Brousseau
Napierski, VanDenburgh, Napierski & O'Connor, LLP
296 Washington Avenue Extension, Suite 3
Albany, NY 12203

Re: Written report of expert opinion by Alan C. Heffner, MD
Case Claim No.: 30722822, NVNO File No.: 05779

Dear Mr. Brousseau,

Per our prior agreement, I am engaged by the law firm of Napierski, VanDenburgh and Napierski, LLP of Albany, NY to review records and render an opinion on the care in the case of John C. Breitenbach, Jr as Administrator of the estate of Deborah Breitenbach (herein referred to as patient) v. Nancy A. Caffrey, RPA-C, Moses-Ludington Hospital and Inter-Lakes Health, Inc. To that end, I have reviewed the following materials:

- Medical records from Moses-Ludington Hospital
- Medical records from Lamoille Ambulance Service
- Medical records from Fletcher Allen Health Care (University of Vermont Medical Center, Burlington, VT)
- Medical records from Hudson Headwaters
- Plaintiff's Second Amended Complaint
- Plaintiff's expert witness disclosure

My qualifications for this review include the practice of emergency medicine and critical care medicine and special interest and experience in emergency airway management (see CV enclosed). Expert review rate for this work is \$300 per hour and \$3500 per day of testimony. A description of expert testimony over the preceding four years is enclosed. I certify that my opinions have never been disqualified in court and I have not been found guilty of fraud or perjury in any jurisdiction. All opinions contained in this report are stated to a reasonable degree of medical certainty.

Case chronology

The patient is a 60-year-old female with hypertension and hypercholesterolemia who presented to Moses Ludington Hospital Emergency Department at 08:55 on 4/21/2014 with chief complaint of "aspirin stuck in throat".

She was evaluated by Nancy A. Caffrey, RPA-C at 09:05 who performed a history and physical exam. Documentation details absence of respiratory symptoms or signs, normal pharynx, voice, and swallowing, and no cervical adenopathy or distress. The patient was discharged at 09:21 with the diagnosis of esophageal foreign body sensation following patient education and follow up instructions.

The patient returned to Ticonderoga Health Clinic at 18:47 with chief complaint of sore throat and headache. She reported throat pain and swelling with difficulty breathing and swallowing,

and endorsed fever and chills. Exam was notable for moderate distress, tachycardia, audible stridor, left face and neck swelling, and difficulty breathing. No treatment was provided.

The patient was referred to the Moses Ludington Emergency Department and arrived by private vehicle at 19:41 where she was evaluated by Nancy A. Caffrey, RPA-C. Chief complaint was "worsening sore throat and hoarseness". Initial exam was notable for ill appearance, hoarse and muffled voice, and tender neck swelling. Epiglottitis was suspected and diagnostic studies and treatment were initiated for this disease.

The case was discussed with an otolaryngology specialist (ENT) Dr. Hubbell, which distilled a plan for immediate transfer to Fletcher Allen Health Care.

Serial evaluations identified deteriorating status, marked by stridor and increased work of breathing. Transfer without airway management was deemed dangerous and Ms. Caffrey contacted Dr. Toni Sturm who evaluated the patient at 20:45 and discussed the case with Dr. Hubbell. They agreed on the priority to secure the patient's airway prior to inter-facility transport.

An airway management plan was devised and discussed prior to intervention which commenced at approximately 21:08.

Awake anesthetized visualization of the airway was complicated and the patient exhibited continued deterioration. Rapid sequence induction was performed. Visualization under these conditions was also complicated and attempted intubation resulted in esophageal intubation, that was immediately recognized. Rescue needle cricothyrotomy failed to provide adequate ventilation. Open surgical cricothyrotomy was undertaken with difficult placement of the endotracheal tube.

The patient deteriorated to cardiac arrest during attempts to secure the airway. Ultimately, open surgical cricothyrotomy was successful via passage of a 3-0 endotracheal tube. The patient was resuscitated from cardiac arrest.

Post intubation management provided by Ms. Caffrey and Dr. Sturm included securing the airway, surgical site hemostasis, management of hemodynamics, and initiation of therapeutic cooling.

The Lamoille Ambulance Service crew was dispatched to Moses Ludington Emergency Department for inter-facility transport of the patient at 20:36. They arrived at 20:46 and witnessed the critical patient situation and assisted with resuscitation.

Lamoille Ambulance Service left Moses Ludington Emergency Department with the patient at 23:00 and arrived at Fletcher Allen Health Care Emergency Department at 23:55.

Hypoxemic respiratory failure, shock and persistent coma were recognized in the emergency department and following hospital admission at Fletcher Allen Health Care.

ENT and anesthesia laryngoscopy attempts revealed distorted anatomy and difficult airway visualization with initial failed attempts at orotracheal intubation. Anesthesia performed orotracheal intubation with assistance of an airway bougie.

Serial exams and imaging in the hospital were consistent with anoxic brain injury. The family elected withdrawal of life support measures and donation after cardiac death which was performed on 4/22/14.

Standard of care

Standard of care for the first patient encounter required a complaint focused history and examination to evaluate for treatable or dangerous clinical conditions. Standard of care during the second patient encounter required recognition of the emergency condition of upper airway compromise and management of this condition. Standard of care for the management of rapidly evolving upper airway obstruction required recognition of a difficult airway situation and use of an organized airway management plan.

Opinions

1. The totality of care including important case features detailed below met or exceeded the prevailing standard of care for this clinical situation. Specifically:
2. The first emergency department evaluation was focused and appropriate for the patient's complaint. Cardinal features of serious upper airway disease, including epiglottitis and supraglottitis, were absent. Medical decision making highlighted a reasonable diagnosis. Management and discharge instructions were appropriate.
3. Patient management during the return emergency department encounter was correct and appropriate for the patient's clinical condition and available resources. Specifically:
4. Ms. Caffey quickly recognized the patient's acuity and suspected supraglottitis. Confirmatory diagnostic studies and initial treatment with intravenous fluids, antibiotics and steroids were timely and appropriate.
5. Consultation with the nearest off-site ENT specialist, with anticipation of transfer, was timely and appropriate.
6. Ms. Caffey exhibited insight in recognizing progressive patient deterioration marked by signs of critical airway compromise and impending airway obstruction. As such, the decision to delay patient transfer and attend to the patient's impending and life threatening airway obstruction was prudent and exemplified good medical judgment.
7. Real-time discussion with the off-site ENT specialist corroborated this plan. There were no additional on-site providers with more experience to handle the situation.
8. The team appropriately recognized the patient's clinical features and anticipated complicated upper airway anatomy and difficult airway management.
9. The team quickly developed a thoughtful step-wise airway management plan that started with awake anesthetized video laryngoscopy. Inadequate airway visualization and continued patient deterioration represented a forced to act scenario. Rapid sequence intubation was undertaken to optimize laryngoscopy view with a double set-up approach incorporating preparation for emergency cricothyrotomy. The patient's anterior neck landmarks were identified and marked prior to undertaking airway management. Although complicated, the

airway plan was executed in the anticipated sequence based on airway findings and patient condition. Bag-valve-mask was attempted during and between airway maneuvers. Per the plan, cricothyrotomy was attempted following failed laryngoscopy and thirteen minutes prior to cardiac arrest.

10. The high risk of patient deterioration during airway management was recognized *a priori*. Deterioration, including cardiac arrest, does not represent a deficiency in medical decision making, preparation or technical proficiency. Rather, the management of this rare and rapidly evolving emergency illustrate a thoughtful and deliberate strategy and plan execution.
11. Timely and appropriate post-intubation and post-cardiac arrest care that included cardiopulmonary support and therapeutic cooling exemplifies detailed attention to this critical patient.

Ms. Caffrey exhibited reasonable and appropriate medical judgment in the management of this patient. I believe a reasonably prudent medical provider would make the same decisions and take these same actions under similar circumstances.

These opinions may be revised based on additional case facts and information that becomes available.

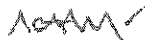
Pertinent literature and exhibits:

Woods, CR. Epiglottitis (supraglottitis): Clinical features and diagnosis
UpToDate; Wolters Kluwer. 2016

Manual of Emergency Airway Management, 4th Ed. Lippincott, Williams and Wilkins, 2012.

Additional exhibits may be provided.

Sincerely,



Alan C. Heffner, MD


EXHIBIT B

Alan C. Heffner, MD

Personal

Address Carolinas Medical Center
1000 Blythe Blvd.
MEB 5, Department of Internal Medicine
Charlotte, NC 28232-2861
(704) 335-3165
Alan.heffner@carolinashealthcare.org



Birthdate 
Gainesboro, TN; Jackson County

Citizenship United States of America

Education

Fellowship	University of Pittsburgh Medical Center Pittsburgh, PA Department of Critical Care Medicine Multidisciplinary Critical Care Training Program	7/2005-6/2007
	NIH National Research Service Award (T-32) Fellowship University of Pittsburgh Medical Center Department of Critical Care Medicine	8/2006-6/2007
Internship Residency	Carolinas Medical Center Charlotte, NC Department of Emergency Medicine • Chief Resident 1999-2000	7/1997-7/2000
Medical	Medical College of Virginia Virginia Commonwealth University, Richmond, VA	8/1993-6/1997
College	James Madison University Harrisonburg, VA B.S. Biology	8/1988-6/1992

Appointments

Current:

Medical-Surgical Intensivist
Emergency Physician

Co-Director of Critical Care
Director of ECMO Services
HealthCare System Sepsis Medical Director

Carolinas Medical Center 7/2007-present
Pulmonary and Critical Care Consultants
Department of Internal Medicine
Department of Emergency Medicine

Surgical Critical Care Fellowship Faculty 2010-present

Professor of Internal Medicine and Emergency Medicine 2017-present
Carolinas HealthCare System

Associate Professor at Carolinas HealthCare System 2013-2017
Assistant Professor at Carolinas HealthCare System 2007-2013

Clinical Associate Professor 2013-present
Clinical Assistant Professor 2007-2013
University of North Carolina School of Medicine

Mercy Hospital, Pittsburgh, PA 7/2006-7/2007
Mercy Critical Care Associates
Medical-surgical Intensivist

Naval Medical Center Portsmouth 7/2000-6/2005
Portsmouth, VA
Department of Emergency Medicine
Faculty; Lieutenant Commander

- Assistant Residency Director and Education Coordinator 2002-2003
- Intern Coordinator 2000-2002

Medical College of Virginia / Virginia Commonwealth University 11/2000-8/2003
Richmond, VA
Department of Emergency Medicine
Clinical instructor

Certification

ABEM Internal Medicine – Critical Care Medicine Certification 2013

American Board of Emergency Medicine (ABEM) #200314 Recertification 2011

Neurocritical Care Certificate 2010
United Council for Neurologic Subspecialties (UCNS)

Diploma in Intensive Care Medicine (EDIC) 2009
European Society of Intensive Care Medicine (ESICM)

American Board of Emergency Medicine (ABEM) #200314	2001
---	------

Additional Training

Carolinas HealthCare System Co-Leadership Institute	2016
Carolinas HealthCare System Physician Leadership Institute Queens University McColl School of Business	2013
Emergency Neurologic Life Support (ENLS)	2016, 2012
US Marine Corps Mountain Warfare Survival Medicine Training	2003
US Army Medical Management of Chemical/Biological Casualties Course	2002
Advanced Cardiac Life Support (ACLS) Instructor 2000-2007	1997-present
Advanced Trauma Life Support (ATLS)	1997-2013

Individual Honors and Awards

Fellow of Critical Care Medicine (FCCM) American Academy of Critical Care Medicine Society of Critical Care Medicine	2016
Lecturer of the Year Award Integrated Simulation Curriculum Program UNC School of Medicine – Charlotte Campus	2015
American Academy of Family Physicians (AAFP) Teaching Award Resident selection for exemplary teaching	2015
Vanguard Award for medical education Edwards Lifesciences	2010
Top Doctors in Charlotte Charlotte Magazine, Peer selected	2016, 2014, 2012, 2011, 2010
Fellow of the Year University of Pittsburgh Medical Center, Department of Critical Care Medicine	2006
Clinical Teaching Recognition Award School of Medicine, University of Pittsburgh	2006
Outstanding Faculty Teaching Award Naval Medical Center Portsmouth, Department of Emergency Medicine	2005
Outstanding Faculty Teaching Award Naval Medical Center Portsmouth, Department of Emergency Medicine	2004
Navy and Marine Corps Commendation Medal For contributions as faculty; Naval Medical Center Portsmouth	2004

Outstanding Faculty Teaching Award Naval Medical Center Portsmouth, Department of Emergency Medicine	2003
SAEM Clinical Pathological Case (CPC) Competition Best Discussant; Regional Semi-Finalist	2003
Combat Action Ribbon Navy and Marine Corps Achievement Medal Operation Enduring Freedom, Afghanistan	2002
Hospital Physician Teacher of the Year Naval Medical Center Portsmouth	2001
Outstanding Resident Teaching Award Carolinas Medical Center, Department of Emergency Medicine	2000
Alpha Omega Alpha Honor Medical Society Student president, Brown-Sequard Chapter; 1996-1997	1996
MCV School of Medicine Aesculapian Scholar	1995
Sidney-Barham Scholarship Award	1995
Aubrey H. Straus Microbiology Award	1995
Adolph D. Williams Scholarship Award (highest class rank)	1994

Institutional Honors and Awards

Sepsis Heroes Award Sepsis Alliance	2015
ELSO Award for Excellence in Life Support Extracorporeal Life Support Organization (ELSO)	2014
ELSO Award for Excellence in Life Support Extracorporeal Life Support Organization (ELSO)	2012
Joint Commission Ernest Amory Codman Award for Carolinas Medical Center <i>Code Sepsis</i> program	2008

Bibliography

Chapters

44. Placement of Femoral Venous Catheters
Androes MP, Heffner AC,
In: UpToDate, 2016
43. Extracorporeal Life Support
Kerns R, Heffner AC
In: Critical Care Toxicology, 2nd Edition
Brent J, Hatten B, Burkhart K, et al. Springer Press; 2016
42. The Unstable Patient: Optimization for Emergency Airway Management
Mosier, JM, Heffner AC, Sakles JC
In: Manual of Emergency Airway Management; 5th Edition
Walls RM and Murphy MF. Lippincott Williams & Wilkins; In press 2016

41. Anesthesia and Sedation for Awake Intubation
Heffner AC, DeBlieux PMC
 In: Manual of Emergency Airway Management; 5th Edition
 Walls RM and Murphy MF. Lippincott Williams & Wilkins; In press 2016
40. Flexible Endoscopic Intubation
Heffner AC, DeBlieux PMC
 In: Manual of Emergency Airway Management; 5th Edition
 Walls RM and Murphy MF. Lippincott Williams & Wilkins; In press 2016
39. Noninvasive Ventilation
Heffner AC, DeBlieux PMC
 In: Manual of Emergency Airway Management; 5th Edition
 Walls RM and Murphy MF. Lippincott Williams & Wilkins; In press 2016
38. Mechanical Ventilation
Heffner AC, DeBlieux PMC
 In: Manual of Emergency Airway Management; 5th Edition
 Walls RM and Murphy MF. Lippincott Williams & Wilkins; In press 2016
37. Overview of Central Venous Access
Heffner AC, Androes MP
 In: UpToDate, 2016
36. Thoracentesis
 Jefferson B, Heffner AC
 In: Interventional Critical Care: A manual for Advanced Care Practitioners
 Taylor D et al. Springer International, 1st Ed, 2016
35. Complicated Skin and Soft Tissue Infections
 Carlson CG, Heffner AC
 In: Acute Critical Care, 1st Ed
 Shiber J et al. Springer Press; In press 2016
34. Fluid Management in Critical Illness
Heffner AC, Robinson MT
 In: Emergency Department Resuscitation of the Critically Ill; 2nd Edition
 Winters ME et al. American College of Emergency Physicians (ACEP); In press 2016
33. Severe Sepsis and Septic Shock
Heffner AC
 In: Emergency Department Resuscitation of the Critically Ill; 2nd Edition
 Winters ME et al. American College of Emergency Physicians (ACEP); In press 2016
32. Fluid Management of Critical Illness
Heffner AC, Robinson MT
 In: Critical Care Emergency Medicine; 2nd Edition
 Farcy DA et al. McGraw-Hill Professional, 2016
31. Extracorporeal Life Support
 Farcy DA, Heffner AC, Napolitano L
 In: Critical Care Emergency Medicine; 2nd Edition
 Farcy DA et al. McGraw-Hill Professional, 2016
30. Post-Cardiac Arrest Management
Heffner AC, Pearson DA
 In: Critical Care Emergency Medicine; 2nd Edition
 Farcy DA et al. McGraw-Hill Professional, 2016

29. Emergency Pericardiocentesis
Heffner AC
In: UpToDate. 2015
28. Monoarticular Arthritis
Heffner AC
In: The Clinical Practice of Emergency Medicine, 6th Edition
Harwood-Nuss et al. Lippincott Williams & Wilkins. 2014
27. Sepsis and Shock with Infection
Jones AE, Heffner AC
In: Emergency Department Critical Care
Yealy DM and Callaway C. Oxford University Press. 2013
26. Placement of Femoral Venous Catheters
Heffner AC, Androes MP
In: UpToDate. 2013
25. Placement of Subclavian Venous Catheters
Heffner AC, Androes MP
In: UpToDate. 2013
24. Placement of Jugular Central Venous Catheters
Heffner AC, Androes MP
In: UpToDate. 2013
22. Emergency Pericardiocentesis
Heffner AC
In: UpToDate. 2013
23. Overview of Central Venous Access
Heffner AC, Androes MP
In: UpToDate. 2013
21. Anesthesia and Sedation for Awake Intubation
Heffner AC, DeBlieux PMC
In: Manual of Emergency Airway Management; 4th Edition
Walls RM and Murphy MF. Lippincott Williams & Wilkins 2012
20. Oxygen and Carbon Dioxide Monitoring
Heffner AC, Reardon RF
In: Manual of Emergency Airway Management; 4th Edition
Walls RM and Murphy MF. Lippincott Williams & Wilkins 2012
19. The Patient in Shock
Heffner AC
In: Manual of Emergency Airway Management; 4th Edition
Walls RM and Murphy MF. Lippincott Williams & Wilkins 2012
18. Mechanical Ventilation
DeBlieux PMC, Heffner AC
In: Manual of Emergency Airway Management; 4th Edition
Walls RM and Murphy MF. Lippincott Williams & Wilkins 2012
17. Acid-Base Disorders
Robinson M, Heffner AC
In: Emergency Medicine, 2nd Edition
Adams JG et al. Elsevier Health Sciences; 2012
16. Fluid Management
Heffner AC, Robinson M
In: Emergency Medicine, 2nd Edition
Adams JG et al. Elsevier Health Sciences; 2012

15. Severe Sepsis and Septic Shock
Heffner AC
In: Emergency Department Resuscitation of the Critically Ill
American College of Emergency Physicians (ACEP); 2011
14. Fluid Management in Critical Illness
Heffner AC, Robinson MT
In: Emergency Department Resuscitation of the Critically Ill
American College of Emergency Physicians (ACEP); 2011
13. Emergency Pericardiocentesis
Heffner AC
In: UpToDate. 2011
12. Fluid Management of Critical Illness
Heffner AC, Robinson MT
In: Critical Care Emergency Medicine, 1st Edition
Farcy DA et al. McGraw-Hill Professional; 2011
11. Post-Cardiac Arrest Management
Heffner AC
In: Critical Care Emergency Medicine, 1st Edition
Farcy DA et al. McGraw-Hill Professional; 2011
10. Acid-Base Disorders
Robinson M, Heffner AC
In: Emergency Medicine, 2nd Edition
Adams JG et al. Elsevier Health Sciences; 2011
9. Fluid Management
Heffner AC, Robinson M
In: Emergency Medicine, 2nd Edition
Adams JG et al. Elsevier Health Sciences; 2011
8. Diagnosis and Therapy of Metabolic Alkalosis
Heffner AC, Murugan R, Madden N, et al.
In: Critical Care Nephrology; 2nd Edition
Ronco C et al. Saunders Elsevier; 2009
7. Monoarticular Arthritis
Heffner AC
In: The Clinical Practice of Emergency Medicine, 5th Edition.
Wolfson AB et al. Lippincott Williams & Wilkins; 2010
6. Fluid Management
Heffner AC, Robinson M
In: Emergency Medicine, 1st Edition
Adams JG et al. Elsevier Health Sciences; 2008
5. Acid-Base Disorders
Robinson M, Heffner AC
In: Emergency Medicine, 1st Edition
Adams JG et al. Elsevier Health Sciences; 2008
4. Central Venous Access
Heffner AC
In: UpToDate. 2007
3. Monoarticular Arthritis
Heffner AC
In: The Clinical Practice of Emergency Medicine, 4th Edition.
Wolfson AB et al. Lippincott Williams & Wilkins; 2005

2. Esophageal Foreign Bodies
Munter D, Heffner A
In: Clinical Procedures in Emergency Medicine, 4th Edition
Roberts JR and Hedges J. W.B. Saunders Company; 2003
1. Monoarticular Arthritis
Heffner AC
In: The Clinical Practice of Emergency Medicine, 3rd Edition
Harwood-Nuss et al. Lippincott Williams & Wilkins; 2001

Refereed Original Contributions

23. Missed opportunities? An evaluation of potentially preventable poisoning deaths
Srisuma S, Cao D, Kleinschmidt K, Heffner AC, Lavonas EJ
Clin Toxicol. 2016 March 21;1-6. PMID 26998958
22. Early neurologic exam is not reliable for prognostication in post-cardiac arrest patients who undergo therapeutic hypothermia
Merrill MS, Wares CM, Heffner AC, et al
Am J Emerg Med. 2016 June; 34(6):975-9. PMID 26994681
21. Urinary obstruction is a common and important complication of septic shock due to urinary infection
Reyner K, Heffner AC, Karvetski C
Am J Emerg Med. 2016 April; 34(4):694-6. PMID 26905806
20. Troponin marker for acute coronary occlusion and patient outcome following cardiac arrest
Pearson DA, Wares CM, Mayer KA, Runyon MS, Studnek JR, Kraft KM, Heffner AC
West J Emerg Med. 2015 Dec;16(7):1007-13. PMID 26759645
19. Outcomes in cardiac arrest patients due to toxic exposure treated with therapeutic hypothermia
Modisett KL, Walsh SJ, Heffner AC, et al.
J Med Tox. 2016 Feb 8; Epub ahead of print. PMID 26856349
18. Early treatment of severe acute respiratory distress syndrome
Przybsz TM, Heffner AC
Emerg Med Clin North Am. 2016 Feb;(34)1:1-14. PMID 26614238
17. Part 10: Special Circumstances of Resuscitation: 2015 American Heart Association Guidelines Update for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care
Lavonas EJ, Drennan IR, Gabrielli A, Heffner AC, Hoyte CO, Orkin AM, Sawyer KN, Donnino WM
Circulation. 2015 Nov; 132(18 Suppl 2):S501-18. PMID 26472998
16. Effect of prehospital initiation of therapeutic hypothermia in adults with cardiac arrest on time-to-target temperature
Schenfeld EM, Studnek, J, Heffner AC, et al.
Can J Emerg Med. 2015 May 1;17(3):240-247. PMID 26034909
15. Cardiac arrest with initial rhythm of pulseless electrical activity: do rhythm characteristics correlate with outcome?
Hauck M, Studnek, J, Heffner AC, et al.
Am J Emerg Med. 2015 July 33(7);891-894. PMID 25943040
14. ED prognostication of comatose cardiac arrest patients undergoing therapeutic hypothermia is unreliable
Wares CM, Heffner AC, Ward SL, et al.
Am J Emerg Med. Jun 33(6);802-806. PMID 25858162

13. Incidence and factors associated with cardiac arrest complicating emergency airway management
Heffner AC, Swords DS, Neale MN, et al.
Resuscitation. 2013 Nov; 84(11):1500-1504. PMID 23911630
12. Practical Aspects of Post Cardiac Arrest Therapeutic Hypothermia
 Pearson DA, Heffner AC
EM Critical Care 2013 June; 3(3).
11. Whole blood lactate kinetics in patients undergoing quantitative resuscitation for severe sepsis and septic shock
 Puskarich MA, Trzeciak S, Shapiro NI, et al. (#5)
Chest. 2013. 142(6):1548-1553. PMID 23740148
10. Regionalization of Post-Cardiac Arrest Care: Implementation of a Cardiac Resuscitation Center
Heffner AC, Pearson DA, Nussbaum M, Jones AE
Amer Heart Journal. 2012 Oct; 164(4):493-501. PMID 23067906
9. Predictors of the complication of post-intubation hypotension during emergency airway management
Heffner AC, Swords D, Nussbaum M, Kline JA, Jones AE
J Crit Care. 2012 July; 27(6):587-593. PMID 22762924
8. Prognostic value and agreement of achieving lactate clearance or central venous oxygen saturation goals during early sepsis resuscitation
 Puskarich MA, Trzeciak S, Shapiro NI, et al (#5)
Acad Emergency Med. 2012; 19(3):252-258. PMID 22435856
7. The frequency and significance of post-intubation hypotension during emergency airway management
Heffner AC, Swords, D, Kline JA, Jones AE
J Crit Care. 2012 Aug; 27(4):417.e9-13. PMID 22033053
6. Outcomes of patients undergoing early sepsis resuscitation for cryptic shock compared to overt shock
 Puskarich MA, Trzeciak S, Shapiro NI, et al (#4)
Resuscitation. 2011;(82):1289-1293. PMID 21752522
5. The association between intra-arrest therapeutic hypothermia and return of spontaneous circulation among individuals experiencing out of hospital cardiac arrest.
 Garrett JS, Studnek JR, Blackwell T, et al (#6)
Resuscitation. 2011;82(1):21-25.
4. Etiology of illness in patients admitted to the hospital from the emergency department with severe sepsis.
Heffner AC, Horton JM, Marchick MR, Jones AE
Clin Infect Dis. 2010 Mar 15;50(6):814-20.
3. The effects of a quantitative resuscitation strategy on mortality in patients with sepsis: A meta-analysis.
 Jones AE, Brown M, Trzeciak S, et al (#6)
Crit Care Med. 2008;36(10):2734-9.
2. Characteristics of Women with Fetal Loss in Symptomatic First Trimester Pregnancies with Documented Fetal Cardiac Activity
 Juliano M, Dabulis S, Heffner A
Ann Emerg Med. 2008 Aug; 52(2):143-7.
1. Role of the Peripheral Intravenous Catheter in False-Positive D-Dimer Testing
Heffner A, Kline J
Acad Emerg Med. 2001 Feb;8(2):103-6.

Original Contributions – Case Reports Reviewed

5. Successful use of intra-arrest thrombolysis for electrical storm due to acute myocardial infarction
Reyner K, Heffner AC, Garvey L, Tayal V
Am J Emerg Med. July;33(7):990.e5-8. PMID 25797864
4. Major hemorrhage from hepatic laceration after cardiopulmonary resuscitation
Zahn G, Haugk M Pearson DA, Heffner AC
Am J Emerg Med. July;33(7):990.e3-4. PMID 25680562
3. Successful outcome utilizing hypothermia after cardiac arrest in pregnancy
Rittenberger JC, Kelly E, Jang D, Greer K, Heffner A
Crit Care Med. 2008;36(4):1354-6. PMID 18379264
2. A Case of Lactation “Bovine” Ketoacidosis
Heffner AC, Johnson DP
J Emerg Med. 2007 Nov;35(4):385-7.
1. Treatment of severe carbon monoxide poisoning using a portable hyperbaric oxygen chamber
Lueken RJ, Heffner AC, Parks PD
Ann Emerg Med. 2006 Sep;48(3):319-22.

Editorials

1. Therapeutic Cooling Saves Lives; Time to Get on Board!
Heffner AC, Winters ME
Emergency Medicine News. 2012 May;34(5B)
2. Trials stopped early for benefit? Not so fast!
Heffner AC, Milbrandt EB, Venkataraman R
Crit Care. 2007 Feb 22;11(1):305.

Multi-media Works

4. Fluid Management
EM Rap Audio Discussion, February 2011
3. Flexible Fiberoptic Intubation
Airway World Video Module, 2010
2. PhotoStim Visual Diagnosis Cases
Government Services ACEP Joint Services Symposium, March 2001
1. PhotoStim Visual Diagnosis Cases
Virginia ACEP Symposium, July 2001

Media Interviews and Contributions

5. How to scale sepsis across an entire health system
The Advisory Board, Oct 2014
4. Arresting Sepsis Saves Money, Lives
HealthLeader, June 2014
3. Charlotte Hospital Takes Part in Global Study of Sepsis
Charlotte National Public Radio (NPR), Nov 2013
2. Omar Carter’s Odyssey
Charlotte Observer, July 2013
1. ‘Code Cool’ saves woman, unborn child
WCNC News, June 2010

Teaching Record

Course Faculty

Difficult Airway Course - Critical Care™ National Course Instructor and Lecturer	2015-present
Intern Simulation Common Critical Care Curriculum (4C) Program Carolinas HealthCare System, Charlotte, NC	2014-present
Critical Points™ Early Impact Critical Care National Course Instructor	2009-present
Difficult Airway Course - Emergency™ National Course Instructor and Lecturer	2007-present
Carolinas Emergency Medicine Oral Board Review Course Course Instructor, Charlotte, NC	2001-2003

Research Grant Investigation Contributions

7. A Prospective, Randomized, Double-Blind, Multicenter, Phase 3 Study to Assess the Safety and Efficacy of Intravenous Ceftolozane/Tazobactam compared with Meropenem in Adult Patients with Ventilated Nosocomial Pneumonia (ASPECT) 4/2016-present
Industry sponsored grant - Cubist/Merck
PI: Polk CM, Role: Sub-Investigator
6. Randomized open label, multicenter, controlled study to assess safety and efficacy of ELAD® in subjects with acute alcoholic hepatitis who have failed steroid therapy
Industry sponsored grant - Vital Therapies Incorporated 2013-2015
PI: deLemos AS, Role: Sub-Investigator
5. L-Carnitine Treatment for Vasopressor Dependent Septic Shock 2012-present
NIH – National Institute of General Medical Sciences; 1R01GM103799-01
PI: Jones AE; Role: Sub-Investigator
4. Procalcitonin Decrease Over 72 Hours and Outcome in Patients with Severe Sepsis or Septic Shock 2011-2014
Industry sponsored grant - Brahms, GmbH Global Medical Affairs
PI: Runyon M; Role: Sub-Investigator
3. Randomized Trial of Tenecteplase to Treat Submassive Pulmonary Embolism
Investigator Initiated Grant - Genentech 2008-2012
PI: Kline JA; Role: Co-Investigator
2. L-Carnitine Administration in Early Sepsis 2010-2012
AHA Post-Doctoral Fellow Grant; 10POST3560001
PI: Puskarich M, Role: Co-Investigator
1. Rapid Administration of Insulin in Sepsis 2009-2010
Internally funded Grant - Carolinas HealthCare System
PI: Jones AE; Role: Co-Investigator

Professional Activities and Services

Society of Critical Care Medicine (SCCM)	
Abstract Reviewer, 46 th Critical Care Congress	2016
Poster Moderator, 45 th Critical Care Congress	2016
Abstract Reviewer, 45 th Critical Care Congress	2015
Abstract Reviewer, 44 th Critical Care Congress	2014
Faculty , 43 rd Critical Care Congress	2014
Poster Moderator, 43 rd Critical Care Congress	2014
Poster Moderator, 42 st Critical Care Congress	2013
Abstract Reviewer, 42 nd Critical Care Congress	2012
Emergency Medicine Section Member at Large	2012-2015
Faculty , 41 st Critical Care Congress	2012
Poster Moderator, 41 st Critical Care Congress	2012
Abstract Reviewer, 41 st Critical Care Congress	2011
Abstract Reviewer, 40 th Critical Care Congress	2010
Carolinas / Virginias Chapter Board of Directors	2009-2014
Fundamental Critical Care Support (FCCS) Instructor	2008-2012
American College of Emergency Physicians (ACEP)	
Faculty , ACEP Scientific Assembly	2016
Faculty , ACEP Scientific Assembly	2014
Faculty , ACEP Scientific Assembly	2013
Oral Presentation Moderator, ACEP Scientific Assembly	2013
Faculty , ACEP Scientific Assembly	2012
Poster Moderator, ACEP Scientific Assembly	2012
Abstract Reviewer, ACEP Scientific Assembly	2012
American Heart Association (AHA)	
2015 Guidelines Writing Committee for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care	2014-2015
Society of Academic Emergency Medicine (SAEM)	
Clinical Pathologic Case Conference Committee	2003-2005

Editorial and Review Activities

20. <i>Circulation</i>	2016
Invited ad hoc reviewer	
19. <i>Canadian Journal of Emergency Medicine</i>	2015
Invited ad hoc reviewer	
18. <i>Journal of Critical Care</i>	2014-present
Manuscript reviewer	
17. The Advisory Board Company	2014-present
Consultant on Advisory Board Sepsis Collaborative	
16. <i>Circulation</i>	2014
Invited ad hoc reviewer	
15. <i>American Journal of Emergency Medicine</i>	2014-present
Manuscript reviewer	
14. <i>Circulation: Cardiovascular Interventions</i>	2014
Invited ad hoc reviewer	
13. <i>Analgesia and Resuscitation: Current Research</i>	2014
Invited ad hoc reviewer	

12. <i>Airway Management SciTechnol</i> Invited ad hoc reviewer	2014
11. <i>International Journal of General Medicine</i> Invited ad hoc reviewer	2014
10. <i>Risk Management and Healthcare Policy</i> Invited ad hoc reviewer	2013
9. <i>Elsevier First Consult</i> Invited ad hoc reviewer	2013
8. <i>Critical Care Nurse</i> Invited ad hoc reviewer	2013
7. <i>Journal of Medical Toxicology</i> Manuscript reviewer	2011-present
6. <i>Journal of Emergency Medicine</i> Manuscript reviewer	2011-present
5. <i>Hospital Practice</i> Invited ad hoc reviewer	2011
4. <i>Academic Emergency Medicine</i> Manuscript reviewer	2010-present
3. McMaster University Online Rating of Evidence (MORE) Critical care and emergency medicine reviewer	2009-present
2. <i>Academic Emergency Medicine</i> Invited ad hoc reviewer	2007
1. <i>Critical Care Medicine</i> Manuscript reviewer	2007-present

CHS Committee Activities

Carolinas HealthCare System

Sepsis Initiative Medical Director	2013-present
Critical Care Network Leadership Council	2013-present
ICU Models of Care; Co-Chair	2011-present

Carolinas Medical Center

Critical Care Co-Director	2016-present
PCCC Critical Care Director	2016
Root Cause Analysis Physician Leader	2016
Medical Executive Committee	2016-present
Sentinel Event Leadership Team	2013-present
Neuro-ICU Associate Director	2012-present
Neuro-ICU Operations Committee	2012-present
Infection Prevention Committee	2012-present
Emergency Medicine - Critical Care Curriculum Leader	2012-2014
Sentinel Event Task Force	2011
Director of ECMO Services	2010-present
Medical ICU Medical Director	2009-present
Code Blue Committee Chair	2009-2013
Rapid Response Team Director	2009-2013
Organ and Tissue Donation Committee Co-Chair	2009-2014
Quality Assessment and Improvement Committee	2009-2013
Intensive Care Advisory Committee	2009-2016
Surgical Critical Care Outcomes Committee	2009-present
Surgical Critical Care Fellowship Committee	2009-present

Infection Control Committee	2008-2011
Therapeutic Hypothermia "Code Cool" Co-Director	2007-present
Code Sepsis Committee Leader	2007-present
Trauma Outcomes Committee	2007-2014
Code Blue Committee	2007-present
Organ and Tissue Donation Committee	2007-present
Pulmonary & Critical Care Consultants Education Committee	2007-present
MICU Blood Product Utilization QI Leader	2007-2009
 Pulmonary and Critical Care Consultants	
Critical Care Director	2015-present
Steering Committee	2010-present
 Naval Medical Center Portsmouth	
Code Blue Committee	2000-2003

Testimonial History for Alan C. Heffner, MD.

Year	Lawyer / Firm	Case	Topic
2013	Claire Modlin: McGuire Woods LLP	v. Gaillard and Baptist Hospital	Post-extubation failure with CA
2015	Shirley DeLuna: Billing, Cochrane, Lyles...	Silkworth v. Boca Raton Regional Hospital	MVC, L/S Fx, cord injury
2016	Jack Gresh: Hall, Booth, Smith, Charleston, SC	Gatrell v. Aiken MC, Carter	Flu, MRSA PNA, sepsis, limb injury

EXHIBIT C



March 6, 2017

COLUMBIA COUNTY OFFICE
20 CAROLYN ROAD
VALATIE, NY 12184
518-766-3938
518-766-3896 fax

Via Email and Regular Mail

Shawn F. Brousseau, Esq.
Napierski, Vandenburg, Napierski & O'Connor, LLP
296 Washington Avenue Extension
Suite 3
Albany, NY 12203

RE: Breitenbach v. Nancy Caffrey, et al

Dear Mr. Brousseau:

I have reviewed the report and economic damages calculations of plaintiff's expert economist (James Lambrinos) in the above referenced matter. Following are my concerns regarding Mr. Lambrinos' report.

- Mr. Lambrinos' general methodology is to compare the net income of the household without the passing of Ms. Breitenbach with the net income of the household with the passing of Ms. Breitenbach. If this approach is used, all items of household income must be taken into consideration. While Mr. Lambrinos has considered many of the items of income that would have (and will) been paid to the household,¹ it's not clear that every item of income has been included. For example, Mr. Breitenbach most likely has a retirement account/benefit through his law practice that will generate income following his retirement. In addition, Ms. Breitenbach may have been a participant in a deferred compensation plan or tax sheltered annuity account in her employment as a teacher. Considering that personal consumption would be subtracted from these sources of income under the scenario in which Ms. Breitenbach is alive, to the extent that such sources of income (or others) have been omitted from the analysis, Mr. Lambrinos has overstated the economic losses to the household.
- Mr. Lambrinos has made a tax adjustment to Mr. and Ms. Breitenbach's projected earnings. However, he has not made an adjustment to the retirement period sources of income, all of which would be subject to some level of income tax.

¹ Mr. and Ms. Breitenbach's earnings; Mr. and Ms. Breitenbach's Social Security benefits; and Ms. Breitenbach's Teachers' Retirement System pension.

- In projecting Ms. Breitenbach's earnings had she lived, Mr. Lambrinos has included an \$80,000 payment for unused sick leave. No foundation or proof that Ms. Breitenbach would have qualified for and received this payment is provided.
- There is no foundation or evidence provided to support the various Social Security benefit calculations included in Mr. Lambrinos' report. Each individual's benefit is unique based on their own specific employment and earnings history. In order to reliably estimate the Social Security benefits in this case, Mr. Lambrinos has to have relied upon either (a) Mr. and Ms. Breitenbach's lifetime earnings history and/or (b) some benefit projections prepared by the Social Security Administration. To date, nothing has been provided to support Mr. Lambrinos' calculations or that allow for verification of the accuracy of his Social Security benefit calculations.
- The personal consumption offset has been performed incorrectly by Mr. Lambrinos. The study Mr. Lambrinos relied upon reports personal consumption percentages for various types of husband/wife households at various household income levels. The income levels in the study are expressed in 2004-2005 dollars. However, Mr. Lambrinos has failed to deflate his future household income projections to 2004-2005 dollars. The impact of this error is that Ms. Breitenbach's personal consumption has been underestimated, thus resulting in the economic damages being overstated.
- In addition, it appears that Mr. Lambrinos has used the personal consumption figures for wives in "husband and wife only households with one working spouse." While this would apply for a few years, at some point both Mr. and Ms. Breitenbach would have been retired. At that point, Mr. Lambrinos should have used the personal consumption figures for wives in "husband and wife only households with neither spouse working."² The impact of this error is that Ms. Breitenbach's personal consumption has been underestimated, thus resulting in the economic damages being overstated.

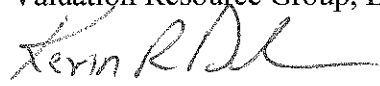
² For which data is reported in the same study relied upon by Mr. Lambrinos.

- The estimate of lost household services is without solid foundation. Mr. Lambrinos has relied upon a statistical study to estimate the value of the household services that were being provided by Ms. Breitenbach. As with other elements of economic damages calculations, information specific to the individual in question should be relied upon whenever possible. The extent and/or nature of the household services provided by Ms. Breitenbach to the household prior to her death could have been substantially less than the services performed by persons in the study upon which Mr. Lambrinos relied. With Mr. Breitenbach available to provide information there is no reason to rely upon a statistical study of other persons.
- In addition, Mr. Lambrinos has projected the value of Ms. Breitenbach's household services through the end of Mr. Breitenbach's life expectancy. At that time, Ms. Breitenbach would have been 82 years of age. In my opinion this is speculative when one takes into consideration the physical limitations and/or changes in lifestyle (moving to apartments, retirement communities, condos or smaller, less maintenance-intensive homes) that often occur as people age. The result is that for many people, the extent of household services can be significantly reduced as they age.

In summary, Mr. Lambrinos' report and calculations suffer from a number of foundational issues and methodological inconsistencies and errors.

In preparing this review, I was provided with Mr. Lambrinos' report dated January 26, 2017; the Breitenbach's income tax returns from 2013 through 2015; Ms. Breitenbach's June 30, 2013 New York State Teachers' Retirement System Benefit Profile; and an Estimate of Annual Service Retirement Benefits prepared by the New York State Teachers' Retirement System.

I can be reached at (518) 766-3938 if you have any questions.

Sincerely,
Valuation Resource Group, LLC

Kevin R. Decker, Economist
Partner

CERTIFICATION & COMPLIANCE WITH RULE 26

I, Kevin R. Decker, Economist, in compliance with the conditions of Rule 26 of the Rules of Civil Procedure, hereby certify the following to be true to the best of my belief and knowledge:

I was retained by Napierski, Vandenburg, Napierski & O'Connor, LLP to review the economic damages report/calculations prepared by plaintiff's expert economist in the matter of Breitenbach v. Nancy Caffrey, et al.

This letter report contains a complete statement of all opinions I currently hold with regard to the economic damages report/calculations prepared by plaintiff's expert as well as the basis and reasons for these opinions. All such opinions were made to a reasonable degree of economic certainty.

Neither my firm nor I have any interest in this matter.

The compensation paid for this analysis is not contingent upon either the amount of appraised value determined in this report or the outcome of any negotiations or litigation pertaining to this matter. I am being paid \$200/hour for research and analysis and \$200/hour for time involved in any testimony that may be required.

My qualifications as well as a list of cases in which I have memory of testifying as an expert in the past four years are attached.



Kevin R. Decker, Economist
March 6, 2017

EXHIBIT D

Vita of
Kevin R. Decker

EDUCATION

M.A., Economics, State University of New York at Albany (also B.A.)

GENERAL EXPERIENCE

Mr. Decker is a partner in Valuation Resource Group and directs the economic research of Decker Economics, an economic consulting firm. Mr. Decker serves as consultant to government, business, labor and professional organizations on issues relating to economic and fiscal impact studies, labor contract negotiations and arbitration, economic development, and taxation. Mr. Decker also provides analysis and expert testimony to the legal profession, including calculations of economic loss in personal injury and wrongful death cases, and valuations of pensions, professional degrees and enhanced earnings capacity in matrimonial matters.

- | | |
|--------------|--|
| 1999-present | <i>Valuation Resource Group, LLC, Partner</i> |
| 1987-present | <i>Decker Economics, President.</i> |
| 1986-1991 | <i>American Economics Group, Inc., Vice-President for Fiscal Research. Responsible for all aspects of public sector fiscal research and analysis, preparation of comprehensive economic and financial studies for public and private sector clients, tax legislation analysis and related computer and statistical applications.</i> |
| 1978-1986 | <i>deSeve Economics Associates, Inc., Economist/Director of Municipal Analysis. Responsible for analysis of municipal credit condition, municipal labor relations, and market analysis. Also responsible for general economic and financial research and computer applications to a variety of economic analysis.</i> |

MISCELLANEOUS

- Adjunct Professor of Economics. The Sage Colleges, Albany NY (1992-2013)
- Memberships: National Association of Forensic Economics
 American Academy of Economic and Financial Experts
 American Economic Association (1979 – 2008)

DEMONSTRATED TECHNICAL EXPERTISE

FORENSIC AND LITIGATION ECONOMICS

Calculation of Economic Damages in Personal Injury; Wrongful Death and Wrongful Termination Litigation

Determination of lost earnings and benefits for individuals injured, deceased or claiming wrongful termination. Advise plaintiff and defense attorneys on economic methodology and provide testimony in court. Participated in the development of self-documenting, companion software to an Economic/Hedonic Damages text published by Anderson Publishing Co.

Valuation of Pensions, Professional Degrees/Licenses and Enhanced Earnings Capacity

Determination of present value of prospective and in-payment pension/retirement benefits covering a variety of public and private sector retirement plans. Determination of enhanced earnings capacity from the attainment of professional degrees/licenses. Provide expert testimony in court as well as act in advisory role to attorneys on economic methodology and issues.

LABOR ECONOMICS

Analysis and Expert Testimony in Interest Arbitration Cases

For public sector labor arbitrations, preparation of comprehensive analysis and testimony on the fiscal condition of the municipality, the local economic base and comparative wage and benefit levels. Mr. Decker has provided expert economic testimony in arbitration and fact-finding proceedings in cases involving police and fire bargaining units in major cities, large suburban counties and other municipalities throughout New York State.

Assessment of Privatization Proposals

Provided analysis of past experience with and future proposals for privatization in the City of Schenectady involving the City's sewer and water operations. Baseline expenditure projections were compared with actual experience under privatization to assess the long-term cost impacts on the City. Recent expenditure trends in municipal-run department were examined and compared with trends in the privatized function.

Analysis of New York State's Binding Arbitration Statute

Prepared a comprehensive report examining New York State's statute providing for binding arbitration for municipal police and fire personnel. Report examined the relative frequency of binding arbitration; the relationship between public safety costs and trends in property tax rates and general fund balances; compared recent trends in police and firefighter salaries awarded through arbitration with negotiated salaries of police, firefighters and teachers; and examined the arbitration panel's reasoning behind salary and benefits awards.

ECONOMIC AND FISCAL IMPACT STUDIES

Regional Economic Impact Assessment of a Proposed Waste-to-Energy Facility

Determined the economic and fiscal impacts on the Albany Region of a proposed waste-to-energy and recycling facility in Green Island, New York. The analysis included estimates of direct and indirect local earnings and employment generated and increased tax and other fiscal benefits accruing to Green Island and the local region. The study also explored issues regarding local property value impacts; infrastructure deterioration; the impact on other regional solid waste plans; and the plant's capacity for new power generation.

Economic Benefits From Park Development and Riverfront Reclamation Projects

Evaluated the economic, fiscal and community benefits from proposed developments of Urban Cultural Parks in Saratoga Springs, New York and Kingston, New York and from proposed park development and riverfront reclamation projects in Jamestown, New York and Schodack, New York. The studies included estimates of visitor traffic to the proposed facilities; local investment, employment and earnings generated; increased tax revenues to the municipalities; an evaluation of proposed development strategies; and an inventory of federal, state and local development assistance.

Analysis of Single-Family Housing Industry in New York State

Analyzed the economic and fiscal impacts of the single family housing segment of the real estate industry in New York State for the New York State Association of Realtors. Estimated the impact of the industry on employment, earnings and economic output in New York State. Estimates were also developed of state and local taxes generated by this segment of the real estate industry.

LOCAL ECONOMIC ANALYSIS AND DEVELOPMENT

Business Retention and Expansion Findings and Strategies

Conducted a survey of Rensselaer County employers to determine their attitudes toward doing business in Rensselaer County. Topics of inquiry included determining relevant factors behind recent changes in employment; plans for future expansion, relocation or downsizing; labor/management relations; import/export activity; attitudes toward federal, state and local programs, services and agencies; and suggestions for improving the county and municipal business climate. Included in an extensive written report was a detailed analysis of current employment, including emerging trends, employment by industry, employment by firm size, geographic location of employment within the county and prospects for future growth. A major component of the report was the development of a series of recommendations to foster business retention and expansion within the County.

Analysis of Employment and Unemployment Trends in Rensselaer County

Compiled and analyzed employment and unemployment data for the 1982-1996 time period. Detailed industry data were examined for analysis of trends in changes in employment. Identified Rensselaer County's entry and recovery from recent national recession. Developed innovative technique to allow for meaningful comparison of unemployment rates between localities over an extended time period.

ENVIRONMENTAL/LAND USE ECONOMICS

Property Value and Other Community Impacts of "Undesirable" Facilities

For a proposed rock quarry/mining operation in rural Rensselaer County (New York), performed an economic assessment of the impact on the community. Analysis included an assessment of the impact on local property values; increased demand on municipally-provided public services; net employment effects; and likely tax revenues. Testimony regarding the negative impact of dust on surrounding property values and businesses was incorporated into final DEC report that resulted in denial of mining permit.

EXPERT TESTIMONY IN THE LAST FOUR YEARS – KEVIN DECKER

I. Personal Injury/Wrongful Death/ Wrongful Termination Cases

- a. DaJuan McCall v. St. Paul's Community Baptist Church; Albany County, NY Supreme Court; Law Office of Edward P. Ryan; December 2016 (Plaintiff)
- b. Carlos Lemus v. Olimpia Pelosi; Law Office of Edward P. Ryan; February 2016 (Plaintiff); Arbitration
- c. Joseph DiNuzzo v. Mabel Martinez; Saratoga County, NY Supreme Court; Law Office of Edward P. Ryan; June 2015 (Plaintiff)
- d. Estate of Arthur Mota v. Andrew Shannahan; New York County, NY Supreme Court; Law Office of Michael P. Delaney; April 2015 (Plaintiff)
- e. Crystal Davis v. Mark D. Collins and John E. Collins; Law Office of Edward P. Ryan; January 2015 (Plaintiff); Arbitration
- f. Jane Barnard v. Main Street American Group; McNamee, Lochner, Titus & Williams, P.C.; July 2014 (Plaintiff); New York SUM Arbitration
- g. Estate of Joshua Maloney v. Eaton Corporation and George Swanson; Rensselaer County NY Supreme Court; Law Office of Edward Ryan; May 2013 (Plaintiff)

II. Matrimonial—Pension/Retirement Valuations

- a. Vosteen v. Vosteen; December 2016; Fulton County, NY Supreme Court; Lorman Law Firm.
- b. McCoy v. McCoy; May 2016; Chittenden County, VT Superior Court; Broadfoot Law Firm.
- c. Spinelli v. Spinelli; March 2014; Warren County, NY Supreme Court; Stanclift, Ludemann & McMorris, P.C.
- d. Barra v. Barra; December 2013; Albany County Supreme Court, NY; Assaf & Siegal, PLLC